UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CALIPER LIFE SCIENCES, INC., A PERKINELMER COMPANY Plaintiff, v. 908 DEVICES INC. Defendant.	Civil Action No. 17-10925 **JURY TRIAL DEMANDED**

COMPLAINT

Caliper Life Sciences, Inc. ("Caliper" or "Plaintiff"), by and through their attorneys, Day Pitney LLP, brings this Complaint for patent infringement against 908 Devices Inc. ("908 Devices" or "Defendant") and alleges as follows:

THE PARTIES

1. Caliper is a Delaware corporation with its principal place of business at 68 Elm Street, Hopkinton, Massachusetts 01748. Caliper is a wholly owned subsidiary of PerkinElmer Holdings, Inc. (a corporation organized under the laws of the Commonwealth of Massachusetts), which, in turn, is a wholly owned subsidiary of PerkinElmer, Inc. (a corporation organized under the laws of the Commonwealth of Massachusetts).

2. Upon information and belief, 908 Devices Inc. is a Delaware corporation with its principal place of business in 27 Drydock Avenue, 7th Floor, Boston, Massachusetts 02210.

NATURE OF THE ACTION

3. Plaintiff's claims arise out of Defendant's willful patent infringement of at least the following United States Patents (collectively, "the Asserted Patents"):

a. U.S. Patent No. 6,337,740 (the ’740 Patent), entitled “Microfluidic devices for electrophoretic analysis of materials,” a copy of which is attached hereto as Exhibit A;

b. U.S. Patent No. 6,811,668 (the ’668 Patent), entitled “Apparatus for the operation of a microfluidic device,” a copy of which is attached hereto as Exhibit B;

c. U.S. Patent No. 6,915,679 (the ’679 Patent), entitled “Multi-reservoir pressure control system,” a copy of which is attached hereto as Exhibit C;

d. U.S. Patent No. 6,251,343 (the ’343 Patent), entitled “Microfluidic devices and systems incorporating cover layers,” a copy of which is attached hereto as Exhibit D;

e. U.S. Patent No. 6,756,019 (the ’019 Patent), entitled “Microfluidic devices and systems incorporating cover layers,” a copy of which is attached hereto as Exhibit E; and

f. U.S. Patent No. 6,153,073 (the ’073 Patent), entitled “Microfluidic devices incorporating improved channel geometries,” a copy of which is attached hereto as Exhibit F.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to at least 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over Defendant by virtue of, among other things, their transacting, doing, and soliciting business in this District and committing acts of direct and/or indirect patent infringement in this District.

6. Venue is proper in this District pursuant to at least 28 U.S.C. § 1391(b)(2), 1391(c), and 1400(b), because Defendant resides in and is subject to personal jurisdiction of this District, and has committed acts of patent infringement in this District.

FACTUAL BACKGROUND

7. Caliper owns by assignment the entire right, title, and interest in the ’740 Patent. The ’740 Patent issued from U.S. Patent Application Serial No. US 09/378,169, filed on August 19, 1999. The ’740 Patent expired on July 16, 2016.

8. Caliper owns by assignment the entire right, title, and interest in the ’668 Patent. The ’668 Patent issued from U.S. Patent Application Serial No. 09/595,420, filed on June 15, 2000. The ’668 Patent expires on June 15, 2020.

9. Caliper owns by assignment the entire right, title, and interest in the ’679 Patent. The ’679 Patent issued from U.S. Patent Application Serial No. 09/792,435, filed on February 23, 2001. The ’679 Patent expires on December 14, 2020.

10. Caliper owns by assignment the entire right, title, and interest in the ’343 Patent. The ’343 Patent issued from U.S. Patent Application Serial No. 09/028,965, filed on February 24, 1998. The ’343 Patent expires on February 24, 2018.

11. Caliper owns by assignment the entire right, title, and interest in the ’019 Patent. The ’019 Patent issued from U.S. Patent Application Serial No. 09/544,711, filed on April 6, 2000. The ’019 Patent expires on February 24, 2018.

12. Caliper owns by assignment the entire right, title, and interest in the ’073 Patent. The ’073 Patent issued from U.S. Patent Application Serial No. 09/372,655, filed on August 11, 1999. The ’073 Patent expired on April 25, 2017.

13. According to 908 Devices' promotional and marketing materials, 908 Devices' ZipChip System includes a device for providing separation capabilities as a front-end for mass spectrometry. The ZipChip System uses on-board pressure-driven injection, capillary electrophoresis, and electrospray ionization in a single microfluidic device to prepare, separate, and electrospray biological samples directly into a mass spectrometer.

14. According to 908 Devices' promotional and marketing materials, the ZipChip System comprises a ZipChip device that is a single piece of glass having microfluidic channels fabricated thereon. The microfluidic channels are then enclosed by fusion bonding a cover plate over top the channels.

15. According to 908 Devices' promotional and marketing materials, the ZipChip System further comprises a ZipChip reader that receives a ZipChip device enclosed within a ZipChip holder and that facilitates injecting samples into the ZipChip device and providing pressure and a potential to the ZipChip device.

COUNT I
(Infringement of the '740 Patent)

16. Paragraphs 1–15 are hereby incorporated by reference as if fully set forth herein.

17. Upon information and belief, during the term of the '740 Patent, 908 Devices made, used, sold, offered to sell and/or imported into the United States products that directly infringed, literally and/or under the doctrine of equivalents, at least one claim of the '740 Patent. Such products include 908 Devices' ZipChip System.

18. Caliper has suffered damages from 908 Devices' infringing acts.

19. Caliper is entitled to recover damages adequate to compensate it for 908 Devices' infringement.

COUNT II
(Infringement of the ’668 Patent)

20. Paragraphs 1–19 are hereby incorporated by reference as if fully set forth herein.

21. Upon information and belief, 908 Devices makes, uses, sells, offers to sell and/or imports into the United States products that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, at least one claim of the ’668 Patent. Such products include 908 Devices’ ZipChip System.

22. Caliper put 908 Devices on notice of the ’668 Patent on March 20, 2017 at the latest. 908 Devices actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the ’668 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the ’668 Patent and its claims. Upon further information and belief, 908 Devices has knowledge that its customers use its products to infringe the claims of the ’668 Patent, and possessed specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

23. Upon information and belief, 908 Devices’ infringement of the ’668 Patent was willful.

24. Caliper has suffered damages from 908 Devices’ infringing acts.

25. Caliper is entitled to recover damages adequate to compensate it for 908 Devices’ infringement.

COUNT III
(Infringement of the ’679 Patent)

26. Paragraphs 1–25 are hereby incorporated by reference as if fully set forth herein.

27. Upon information and belief, 908 Devices makes, uses, sells, offers to sell and/or imports into the United States products that directly and/or indirectly infringe, literally and/or

under the doctrine of equivalents, at least one claim of the ’679 Patent. Such products include 908 Devices’ ZipChip System.

28. Caliper put 908 Devices on notice of the ’679 Patent on March 20, 2017 at the latest. 908 Devices actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the ’679 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the ’679 Patent and its claims. Upon further information and belief, 908 Devices has knowledge that its customers use its products to infringe the claims of the ’679 Patent, and possessed specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

29. Upon information and belief, 908 Devices’ infringement of the ’679 Patent was willful.

30. Caliper has suffered damages from 908 Devices’ infringing acts.

31. Caliper is entitled to recover damages adequate to compensate it for 908 Devices’ infringement.

COUNT IV
(Infringement of the ’343 Patent)

32. Paragraphs 1–31 are hereby incorporated by reference as if fully set forth herein.

33. Upon information and belief, 908 Devices makes, uses, sells, offers to sell and/or imports into the United States products that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, at least one claim of the ’343 Patent. Such products include 908 Devices’ ZipChip System.

34. Caliper put 908 Devices on notice of the ’343 Patent on March 20, 2017 at the latest. 908 Devices actively, knowingly, and intentionally induced, and continues to actively,

knowingly, and intentionally induce, infringement of the ’343 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the ’343 Patent and its claims. Upon further information and belief, 908 Devices has knowledge that its customers use its products to infringe the claims of the ’343 Patent, and possessed specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

35. Upon information and belief, 908 Devices’ infringement of the ’343 Patent was willful.

36. Caliper has suffered damages from 908 Devices’ infringing acts.

37. Caliper is entitled to recover damages adequate to compensate it for 908 Devices’ infringement.

COUNT V
(Infringement of the ’019 Patent)

38. Paragraphs 1–37 are hereby incorporated by reference as if fully set forth herein.

39. Upon information and belief, 908 Devices makes, uses, sells, offers to sell and/or imports into the United States products that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, at least one claim of the ’019 Patent. Such products include 908 Devices’ ZipChip System.

40. Caliper put 908 Devices on notice of the ’019 Patent on March 20, 2017 at the latest. 908 Devices actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the ’019 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the ’019 Patent and its claims. Upon further information and belief, 908 Devices has knowledge that its customers use its products to infringe the claims of the ’019 Patent, and possessed specific intent to

encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

41. Upon information and belief, 908 Devices' infringement of the '019 Patent was willful.

42. Caliper has suffered damages from 908 Devices' infringing acts.

43. Caliper is entitled to recover damages adequate to compensate it for 908 Devices' infringement.

COUNT VI
(Infringement of the '073 Patent)

44. Paragraphs 1–43 are hereby incorporated by reference as if fully set forth herein.

45. Upon information and belief, during the term of the '073 Patent, 908 Devices made, used, sold, offered to sell and/or imported into the United States products that directly and/or indirectly infringed, literally and/or under the doctrine of equivalents, at least one claim of the '073 Patent. Such products include 908 Devices' ZipChip System.

46. Caliper put 908 Devices on notice of the '073 Patent on March 20, 2017 at the latest. 908 Devices actively, knowingly, and intentionally induced infringement of the '073 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the '073 Patent and its claims. Upon further information and belief, 908 Devices had knowledge that its customers used its products to infringe the claims of the '073 Patent, and possessed specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

47. Upon information and belief, 908 Devices' infringement of the '073 Patent was willful.

48. Caliper has suffered damages from 908 Devices' infringing acts.

49. Caliper is entitled to recover damages adequate to compensate it for 908 Devices' infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

A. A judgment that Defendant has infringed the '740 Patent;

B. A judgment that Defendant has infringed the '668 Patent;

C. A judgment that Defendant has infringed the '679 Patent;

D. A judgment that Defendant has infringed the '343 Patent;

E. A judgment that Defendant has infringed the '019 Patent;

F. A judgment that Defendant has infringed the '073 Patent;

G. An award of all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement of the Asserted Patents, including compensatory damages and enhanced damages for willful infringement;

H. An award of interest and costs;

I. A declaration that this case is exceptional within the meaning of 35 U.S.C. § 285 and an award of Plaintiff's reasonable attorneys' fees in prosecuting this action; and

J. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all claims and issues so triable.

May 19, 2017

Respectfully submitted,

Plaintiff,

CALIPER LIFE SCIENCES, INC., A PERKINELMER COMPANY

By their attorneys,

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